

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARMEN COLLADO, on behalf of herself and all  
others similarly situated,

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**07 CIV 6874 (CLB)**

Plaintiff,

:

**NOTICE OF MOTION**

v.

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**ECF FILING**

PEPSICO, INC. and PEPSI BOTTLING VENTURES  
LLC,

Defendants.

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Declaration of Diane Petroccione, dated September 18, 2007, and the exhibit annexed thereto, Defendants PepsiCo, Inc. and Pepsi Bottling Ventures LLC will move this Court before the Honorable Charles L. Brieant at the United States District Court for the Southern District of New York, Courtroom 218, 300 Quarropas Street, White Plains, New York 10601, on November 30, 2007 at 10:00 a.m. or as soon as counsel may be heard, for an Order, pursuant to Fed. R. Civ. P. 12(b)(6), dismissing this action for failure to state a claim for which relief can be granted.

PLEASE TAKE FURTHER NOTICE that responsive papers, if any, are due on October 25, 2007, and reply papers, if any, are due on November 1, 2007.

Dated: October 11, 2007  
New York, New York

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